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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

YEHUDA KATZ, individually and on
behalf of all others similarly situated,

14 Civ. 740 (PAC)

Plaintiff,

against

THE DONNA KARAN COMPANY LLC; THE
DONNA KARAN COMPANY STORE LLC;
AND DONNA KARAN INTERNATIONAL
INC.,

Defendants.

NOTICE OF MOTION

PLEASE TAKE NOTICE that, defendants The Donna Karan Company LLC, The Donna Karan Company Store LLC, and Donna Karan International Inc. will move this Court before the Honorable Paul A. Crotty, U.S.D.J., at the Daniel Patrick Moynihan United States Courthouse for the Southern District of New York, 500 Pearl St., New York, NY 10007, Courtroom 11D, for an Order: 1) dismissing, with prejudice and without leave to replead, the First Amended Complaint for failure to state a claim upon which relief can be granted; and 2) granting such other and further relief as the Court deems just and proper.

In support of the motion, the defendants rely on (i) the accompanying Memorandum of Law in support; (ii) the Declaration of Charles S. Sims and attached exhibits; and (iii) any argument that may be heard on the motion.

PLEASE TAKE FURTHER NOTICE that pursuant to order of this Court, dated June 10, 2014, plaintiff's opposition, if any, is due August 26, 2014, and defendants' reply, if any, is due September 17, 2014.

New York, New York
July 28, 2014

PROSKAUER ROSE LLP

By: /s/ Charles S. Sims
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CERTIFICATE OF SERVICE

I hereby certify that on July 28, 2014, I caused to be served by ECF, a copy of Defendants' Notice of Motion to Dismiss Plaintiff's Amended Complaint and accompanying Memorandum of Law and Declaration of Charles S. Sims on:

Counsel of Record for Plaintiff:

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Respectfully submitted,

/s/ David A. Munkittrick
David A. Munkittrick